

**BOARD OF ASSESSMENT APPEALS,
STATE OF COLORADO**

1313 Sherman Street, Room 315
Denver, Colorado 80203

Docket No.: 49205

Petitioner:

EYERLY FAMILY LIVING TRUST,

v.

Respondent:

DOUGLAS COUNTY BOARD OF EQUALIZATION.

ORDER

THIS MATTER was heard by the Board of Assessment Appeals on September 3, 2008, Debra A. Baumbach and Lyle D. Hansen presiding. Jane Ann Eyerly appeared pro se for Petitioner. Respondent was represented by Michelle Whisler, Esq. Petitioner is protesting the 2007 actual value of the subject property.

PROPERTY DESCRIPTION:

Subject property is described as follows:

**7704 East Greenland Road, Franktown, Colorado
Douglas County Schedule No. R0217496**

The subject is a one-story, ranch-style, single-family residence of frame construction. The residence was built in 1981. The residence has a total of 1,288 square feet on the main level; 1,242 square feet of basement area of which 864 square feet is finished. The residence has two bedrooms, two full baths, one fireplace, and there is no garage. There is a small outbuilding. The building improvements are situated on 35 acres classified as agricultural.

Petitioner submitted no appraisal on the subject. Petitioner presented an indicated value of \$203,000.00 for the subject property.

Petitioner presented one comparable sale located at 8640 E. Greenland Road with a sale price of \$385,000.00 and containing a total of 1,376 square feet. Petitioner accomplished no adjustments and concluded a value of \$203,000.00 for the subject.

Petitioner used an equalization argument to support a value of \$203,000.00. Petitioner compared the value assigned to the subject property to the actual value of 8640 E. Greenland Road. She testified that the two properties are approximately two miles apart in distance, were built at about the same time, and both were constructed by Capp Homes of comparable building materials and similar floor plans. Petitioner presented information from the Douglas County Assessor's Office that indicates the property at 8640 E. Greenland Road has 600 square feet more living space and has an additional 869 square-foot garage that her property does not have. Petitioner indicated that the value placed by the Assessor on 8640 E. Greenland Road was not increased from \$215,000.00 while the Assessor's value on her property was increased to \$266,000.00 in 2007 and then reduced by Respondent to \$233,000.00.

Petitioner is requesting a 2007 actual value of \$203,000.00 for the subject property.

Respondent presented an indicated value of \$236,774.00 for the subject property based on the market approach.

Respondent presented four comparable sales ranging in sales price from \$319,000.00 to \$577,000.00 and in size from 1,376 to 2,711 square feet. After making deductions for land and outbuilding values and adjusting for differences from the subject property, the sales ranged from \$194,282.00 to \$308,704.00. Respondent concluded to a value of \$235,000.00 for the subject's residence. Respondent combined the value of the residence with the value of the agricultural land at \$1,015.00, and the value of the outbuilding at \$759.00, resulting in an indicated value of \$236,744.00.

Respondent assigned an actual value of \$233,000.00 to the subject property for tax year 2007.

“Our state constitution and statutes make clear that individual assessments are based upon a property's actual value and that actual value may be determined using a market approach, which considers sales of similar properties.” *Arapahoe County Board of Equalization v. Podoll*, 935 P.2d 14, 17 (Colo. 1997). The Board gave little weight to the equalization data presented by Petitioner, since it was not supported by actual sales of similar properties. The Board finds Respondent's comparable sales representative of the subject property's market. Respondent's appraiser included the comparable sale at 8640 E. Greenland Road, the same comparable sale used by Petitioner, and determined it to be the best comparable sale. The adjusted sale price for this comparable sale was \$244,714.00.

The Board concludes that Respondent's adjustments to the four comparable sales were appropriate in reflecting the differences between the subject and the comparable sales.

Respondent presented sufficient probative evidence and testimony to prove that the subject property was correctly valued for tax year 2007.

ORDER:

The petition is denied.

APPEAL:

If the decision of the Board is against Petitioner, Petitioner may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11)(commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

If the decision of the Board is against Respondent, Respondent, upon the recommendation of the Board that it either is a matter of statewide concern or has resulted in a significant decrease in the total valuation of the Respondent county, may petition the Court of Appeals for judicial review according to the Colorado appellate rules and the provisions of CRS § 24-4-106(11)(commenced by the filing of a notice of appeal with the Court of Appeals within forty-five days after the date of the service of the final order entered).

In addition, if the decision of the Board is against Respondent, Respondent may petition the Court of Appeals for judicial review of alleged procedural errors or errors of law within thirty days of such decision when Respondent alleges procedural errors or errors of law by the Board.

If the Board does not recommend its decision to be a matter of statewide concern or to have resulted in a significant decrease in the total valuation of the respondent county, Respondent may petition the Court of Appeals for judicial review of such questions within thirty days of such decision.

CRS §39-8-108(2) (2008).

DATED and MAILED this 18th day of September 2008.

BOARD OF ASSESSMENT APPEALS

Debra A. Baumbach
Debra A. Baumbach

This decision was put on the record

SEP 18 2008

Lyle B. Hansen
Lyle B. Hansen

I hereby certify that this is a true and correct copy of the decision of the Board of Assessment Appeals.

Heather Flannery
Heather Flannery

